

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-5 are currently pending. Claims 1-5, which are hereby amended, are independent. Support for this amendment is provided throughout the Specification as originally filed and specifically at pages 16-17. No new matter has been introduced. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1-5 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,963,916 to Kaplan.

Claim 1 recites, *inter alia*:

“An electronic content providing method for performing electronic content provision to a user by using a remote user terminal and an information terminal in a store...

accessing a menu of available electronic contents using said remote user terminal;

acquiring an identification code for identifying an electronic content which is retrieved from among the

available electronic contents by using said remote user terminal..." (emphasis added)

As understood by Applicant, U.S. Patent No. 5,963,916 to Kaplan (hereinafter, merely "Kaplan") relates to an online network website for interactive preview of a portion of a pre-recorded product, using a computer, a computer display, and a telecommunication link. Figures 8 and 10 show possible paths a user can take when accessing the online network website. In both embodiments, the user makes the selections at the kiosk. A number of search options are available, including featured promotions, genre search, and a general search. The user makes the selection at the kiosk also, and the selection is then called from memory where the samples are kept. When the user inputs a selection in the form of an album or song, Kaplan teaches that the selection is translated to a corresponding product code. The musical samples are identified by that product code.

Applicant submits that nothing has been found in Kaplan that would teach or suggest the above-identified features of claim 1. Specifically, Applicant submits that Kaplan fails to teach using a remote user terminal and an information terminal in a store, accessing a menu of available electronic contents using said remote user terminal, and acquiring an identification code for identifying an electronic content which is retrieved from among the available electronic contents by using said remote user terminal.

Therefore, Applicant submits that claim 1 is patentable.

Independent claims 2-5 are similar in scope and believed to be patentable for similar reasons.

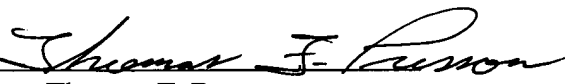
CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800